



**DELTECH POLYMERS
CORPORATION**

August 13, 2007

United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-359
Attn: DE-9J

RECEIVED
AUG 28 2007

WASTE, PESTICIDES & TOXICS DIVISION
U.S. EPA - REGION 5

Re: OHD 077 42 409

OHD 077 432 409

To Whom It May Concern:

In response to the above referenced Notice of Violation please consider the following information:

The five 350-gallon totes labeled "Used Oil" contain material removed from pumps at the Deltech site. Please see the attached opinion letter indicating the oil is not a hazardous waste by definition.

The drums in the Drum Storage Area were determined to contain Therminol 55, a heat transfer fluid used for temperature control in the Deltech process.

The two reactors identified as tanks in the southwest corner of the property as indicated on the day of inspection are: one empty and one contain polymerized styrene.

The seven tanks referenced in the southeast corner of the property were determined to be empty or contain polymerized styrene.

Please contact me if you have any questions at 937-335-5286 ext. 20.

Sincerely,
Deltech Polymers Corporation

Brent Reedstrom

Enclosures



State of Ohio Environmental Protection Agency

STREET ADDRESS:

1800 WaterMark Drive
Columbus, OH 43215-1099

TELE: (614) 644-3020 FAX: (614) 644-2329

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

April 13, 1998

Jerald M. McEldowney
Perma-Fix Environmental Services
300 South West End Avenue
Dayton Ohio 45427

Dear Mr. McEldowney:

According to your March 16, 1998 letter, you need clarification on a generator's used oil contaminated with styrene.

In your description, pump oil became contaminated with styrene vapors while the styrene was being pumped into process tanks and an extruder. The oil also contains various solid material from the pump. Once the oil becomes spent, it is removed from the pump. The spent oil has a flash point less than 140 F. I assume the styrene has a flash point less than 140 F.

Used oil burned for energy recovery is regulated in Ohio Administrative Code (OAC) Rules 3745-58-50 to 3745-58-54. Ohio recognizes two different types of used oil in these rules: *on-specification* and *off-specification*. The categories are distinguished by the level of contamination which is higher in off-specification used oil.

OAC Rule 3745-58-50 (B) of the defines used oil as "... any oil that has been refined from crude oil, used, and as a result of such use, is contaminated by physical or chemical impurities." Used oil burned for energy recovery that displays a hazardous waste characteristic identified in Rules 3745-51-20 to 3745-51-24 of OAC is not a hazardous waste, provided it has not net been mixed with a hazardous waste (OAC Rule 3745-58-50 (D)(1)). An exception is for a special hazardous waste generator, *Conditionally Exempt Small Quantity Generator (CESQG)*, who mixes the hazardous waste he/she generates in used oil that will be burned for energy recovery (OAC Rule 3745-51-05 (J)). Since, during the production process, the oil became incidentally contaminated with styrene (while the oil was being used for its intended purpose), it has not been mixed with a hazardous waste. Therefore, the oil removed from the pump and burned to recover its energy is used oil, not hazardous waste.

George V. Voinovich, Governor
Nancy P. Hollister, Lt. Governor
Donald R. Schregardus, Director

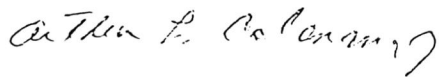


Printed on Recycled Paper

Jerald M. McEldowney
Perma-Fix Environmental Services
April 13, 1998
Page 2

If you have other questions, feel free to contact me at (614) 644-2968

Sincerely,



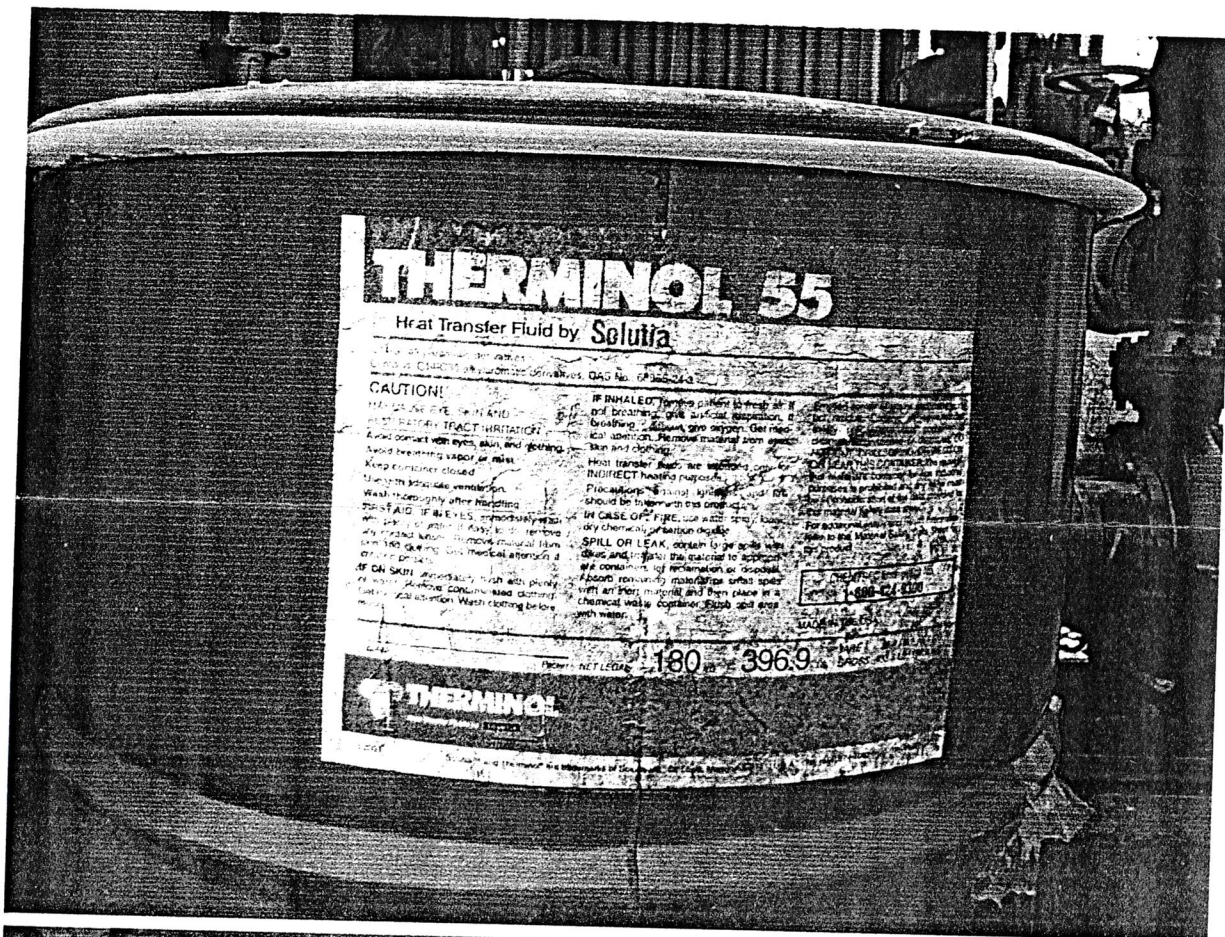
Arthur L. Coleman, Jr.
Technical Support Unit
Division of Hazardous Waste Management

wp61.ALC.lcn.g:mceldown

cc: Wendy Miller, TSU, DHWM
Paul Pardi, DHWM, SWDO

References:

OAC rule 3745-58 to 3745-58-54





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

JUL 16 2007

DE-9J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Brent Reedstrom
Manager of Sales and Marketing
Deltech Polymers Corporation
1250 South Union Street
Troy, Ohio 45373

Re: Notice of Violation
Deltech Polymers Corporation
EPA Id No.: OHD 077 432 409

Dear Mr. Reedstrom:

On May 24, 2006, representatives of the United States Environmental Protection Agency (U.S. EPA) and the Ohio Environmental Protection Agency (Ohio EPA) inspected the Deltech Polymers Corporation (Deltech) facility located in Troy, Ohio. The purpose of the inspection was to evaluate Deltech's compliance with certain provisions of the Resource, Conservation and Recovery Act (RCRA); specifically those regulations related to the generation, treatment, and storage of hazardous waste.

Based upon information provided by Deltech personnel, review of records, and personal observations made by inspectors at the time of the investigation, the U.S. EPA has determined that Deltech Polymers is in violation of the Ohio Administrative Code and the United States Code of Federal Regulations. Specifically, we find that Deltech was in violation of the following requirement.

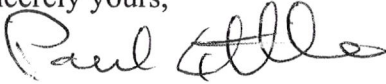
1. A generator must determine whether its waste is hazardous. See Ohio Administrative Code 3745-52-11 [40 CFR § 262.11]. At the time of the inspection, Deltech had not made a hazardous waste determination of the contents of the following tanks / containers:
 - a. Five 350-gallon totes labeled with the words "Used Oil" that were located on the southern end of the production area,
 - b. Seven 55-gallon drums that were located on the north end of the Drum Storage Area,
 - c. Thirteen drums that were located in the southern end of the drum storage area,

- d. Two tanks that were located in the southwest corner of the property,
- e. Seven tanks that were located in the southeast corner of the property.

Under Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), U.S. EPA may issue an order assessing a civil penalty for any past or current violation and requiring compliance immediately or within a specified time period. Although this letter is not such an order, you are hereby requested to submit a response in writing to this office no later than thirty (30) days after receipt of this letter documenting the actions, if any, which have been taken since the inspection to establish compliance with the above requirements.

If you have any questions regarding the inspection report, the findings of violations, or the information requested, please contact Paul Atkociunas of our staff, at 312-886-7502.

Sincerely yours,



Paul Little, Chief
Compliance Section 2
Enforcement & Compliance Assurance Branch

Enclosure

cc: Larry Dickerson, Ohio EPA, Southwest District Office
Harry Sarvis, Ohio EPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 W. JACKSON BOULEVARD
CHICAGO, IL 60604

COMPLIANCE EVALUATION INSPECTION REPORT

INSTALLATION NAME: Deltech Polymers Corporation

EPA ID No.: OHD 077 432 409


LOCATION ADDRESS: 1250 S Union Street
Troy, Ohio 45373

NAICS CODE: 325211

DATE OF INSPECTION: May 24, 2006

U.S. EPA INSPECTOR: Paul Atkociunas

PREPARED BY:


Paul Atkociunas
Chemist

6/13/06
Date

ACCEPTED BY:


Paul Little
Chief, Compliance Section #2

6-13-06
Date

PARTICIPANTS:

Paul Atkociunas
Waste, Pesticides and Toxics Division
U.S.EPA, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Larry Dickerson
Division of Hazardous Waste Management
Ohio EPA
401 E. Fifth Street
Dayton, Ohio 45402

Brent Reedstrom
Manager of Sales and Marketing
Deltech Polymers Corporation
1250 S. Union Street
Troy, Ohio 45373

PURPOSE OF INSPECTION:

The purpose of the inspection was to conduct a Compliance Evaluation Inspection (CEI) at Deltech Polymers Corporation (Deltech) located at 1250 S. Union Street, Troy, Ohio. The inspection was conducted to determine the installation's compliance under the Resource, Conservation, and Recovery Act (RCRA) and the Ohio Administrative Code. The inspection was conducted with personnel from the U.S. EPA and the Ohio EPA, with U.S. EPA being the lead enforcement agency. At the time of the inspection, production at the facility was suspended.

INTRODUCTION:

U.S. EPA inspector Paul Atkociunas and Ohio EPA inspector Larry Dickerson arrived at the installation at approximately 9:15am. Upon arrival at the installation, the office was closed and the gates chained. The inspection team did not witness activity inside the fence line. The inspection team walked to the office area and along Union Street. The inspection team was met by Brent Reedstrom, Manager of Sales and Marketing who approached the inspectors from the street. Inspector Atkociunas presented his federal enforcement credentials and the inspection team notified Mr. Selby of the nature, scope and procedures of the inspection. Mr. Reedstrom allowed the inspectors access to the installation to conduct the inspection. Mr. Reedstrom stated that the installation ceased operations in March 2006. Mr. Reedstrom stated that they removed raw materials from the installation, shipped out other materials and sampled relevant materials.

FACILITY DESCRIPTION:

The Deltech website (www.deltechcorp.com) indicated the installation manufactured specialty polymers, including crystal polystyrene, compounding grade polystyrene, and styrene – methyl methacrylate copolymer. The website indicated that the property consisted of two production lines which could produce approximately 350,000 pounds of material per day and the installation maintained six product silos with capacities of between 3500 to 7400 cubic feet and two underground storage tanks (USTs) for monomers (30,000 gallon capacity each). Mr. Reedstrom stated that the property was approximately 5.5 acres in size and employed approximately 35 employees during production. During operations, the installation generated the following waste streams: 1) reactor syrup samples, 2) waste feedstock, 3) reactor syrup, 4) contaminated floor

dry, and 5) waste fluid (mineral spirits). Mr. Reedstrom stated that the facility is trying to restructure and may try to re-initiate operations. Mr. Reedstrom stated that the company produces pellets used for injection molding / extruders.

RECORDS REVIEW:

Inspector Atkociunas reviewed manifests, land disposal restrictions and waste determinations. Manifest records indicated that the last shipment of hazardous waste occurred on March 28, 2006. The inspection team requested access to the facility to conduct the inspection. Mr. Reedstrom allowed the inspection team access to the installation to conduct the inspection and to collect photographs.

VISUAL SITE INSPECTION:

The visual site inspection was conducted with Deltech representative Brent Reedstrom, U.S. EPA inspector Atkociunas, and Ohio EPA inspector Larry Dickerson. The group exited the office area and proceeded north. Mr. Reedstrom directed the inspection team towards a concrete pad east of the American Petroleum Institute oil / water separator. Mr. Reedstrom stated that the USTs were located under the pad. Note: Inspector Atkociunas collected a photograph of the concrete pad. Inspector Atkociunas asked Mr. Reedstrom about the contents of the USTs. Mr. Reedstrom stated that contents have been removed or the material in the tanks has been solidified. The group proceeded to the Warehouse Building; Mr. Reedstrom stated that materials in the building are being held if Deltech restarts production. Note: Inspector Atkociunas collected a photograph of the Warehouse Building. The inspection team proceeded towards the maintenance area. Inspector Atkociunas witnessed a 55-gallon drum identified with the words "E.B. Wash" located outside the Maintenance Building. Mr. Reedstrom was unsure of the contents of the drum. Inspector Atkociunas asked Marvin Ruff, Maintenance, about the contents of the container. Mr. Ruff stated that the drum is in use as a parts washer. Note: Inspector Atkociunas collected several photographs of the 55-gallon drum. The inspectors continued inside the Maintenance Building. The inspectors did not observe hazardous waste containers located inside the building. Note: Inspector Atkociunas collected a photograph inside the building.

The group walked south towards the API separator; upon visual inspection an oily residue was present on the separator. Inspector Atkociunas asked about the contents of the oil/water separator. Mr. Ruff stated that the installation contracts with Safety Kleen to collect oil accumulated in the API separator. Inspector Atkociunas asked when they collect the material. Mr. Ruff stated that several inches of oil should be present before Safety Kleen collects the material. Mr. Ruff stated that the separator should only contain a residual amount of oil. Mr. Ruff disturbed the surface of the API separator with a stick; based upon the disturbance an oily sheen was present. Note: Inspector Atkociunas collected several photographs of the API separator.

Mr. Reedstrom directed the inspectors towards the Process Area. Forty-five 55-gallon drums were witnessed at the process area. Bungs on the drums were removed. Inspector Atkociunas knocked on the drums to determine if the drums contained material. Audible results indicated that the drums were empty. Inspector Atkociunas asked Mr. Reedstrom what the time frame

would be for resuming operations. Mr. Reedstrom stated that the company would have to decide to begin operations, then it would take approximately 4-6 months to start production. The inspection team witnessed five 350-gallon totes labeled with the words "Used Oil" located on the southern end of the production area. Inspector Atkociunas asked Mr. Reedstrom about the contents of the totes. Mr. Reedstrom stated that he was unsure of the contents. Note: Inspector Atkociunas collected a photograph of the totes.

The visual site inspection continued to the Drum Storage Area which is located south of the production area adjacent to the furnace. Eight 55-gallon drums were located on the north end of the Drum Storage Area. Inspector Atkociunas knocked on the drums to determine if the drums contained material. Inspector Atkociunas documented material in seven of the drums. Inspector Atkociunas asked Mr. Reedstrom about the contents of the containers. Mr. Reedstrom stated that he was unsure of the contents of the drums. Note: Inspector Atkociunas collected several photographs of the drums located on the north end of the drum storage area.

The visual site inspection continued to the southern end of the drum storage area. An additional thirteen drums were located in the area. One drum was labeled with the words "Used Oil – Clean Oil" while the remainder of the drums did not have the contents identified. Note: Inspector Atkociunas collected several photographs of the drums / labels. Inspector Atkociunas asked Mr. Reedstrom about the contents of the drums. Mr. Reedstrom stated that he was unsure of the contents.

The visual site inspection continued to the southern end of the property. Mr. Reedstrom stated that the tanks / vessels located in the area were empty.

- Two tanks in the southwest corner of the property

- Portable tank (applicator) and heat exchanger

- Two tank cars

- Seven tanks located in the southeast corner of the property

Note: Inspector Atkociunas collected photographs of the tanks, heat exchanger, and tank cars. The heat exchanger appeared to be empty based upon a visual inspection. Inspector Atkociunas knocked on the tank cars and portable tank (applicator) to determine if they contained material. Audible results indicated that they were empty. Inspector Atkociunas did not document the presence of material in the two tank cars, portable tanks. Inspector Atkociunas could not determine if the tanks located in the southwest and southeast corners contained material.

CLOSING CONFERENCE:

Inspector Atkociunas informed Mr. Reedstrom that the inspection was a federal lead inspection and that the company will receive correspondence from the U.S. EPA. Inspector Atkociunas expressed concern to Mr. Reedstrom about the necessity of conducting waste determinations of any waste on site and to ensure proper disposal of any waste.

ATTACHMENTS: (1)

Attachment 1 Photograph Log

Attachment 1

Photograph Log



Figure 1: Location of underground storage tanks.



Figure 2: Warehouse building.

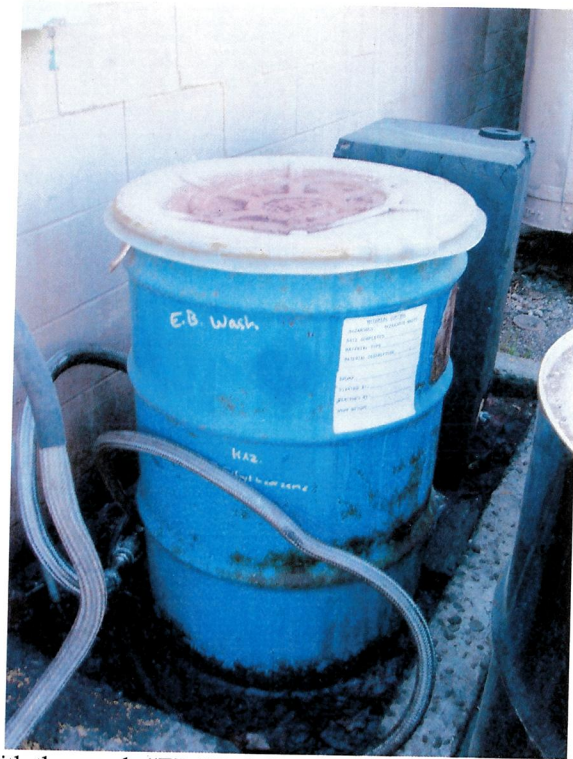


Figure 3: Drum labeled with the words "EB Wash."

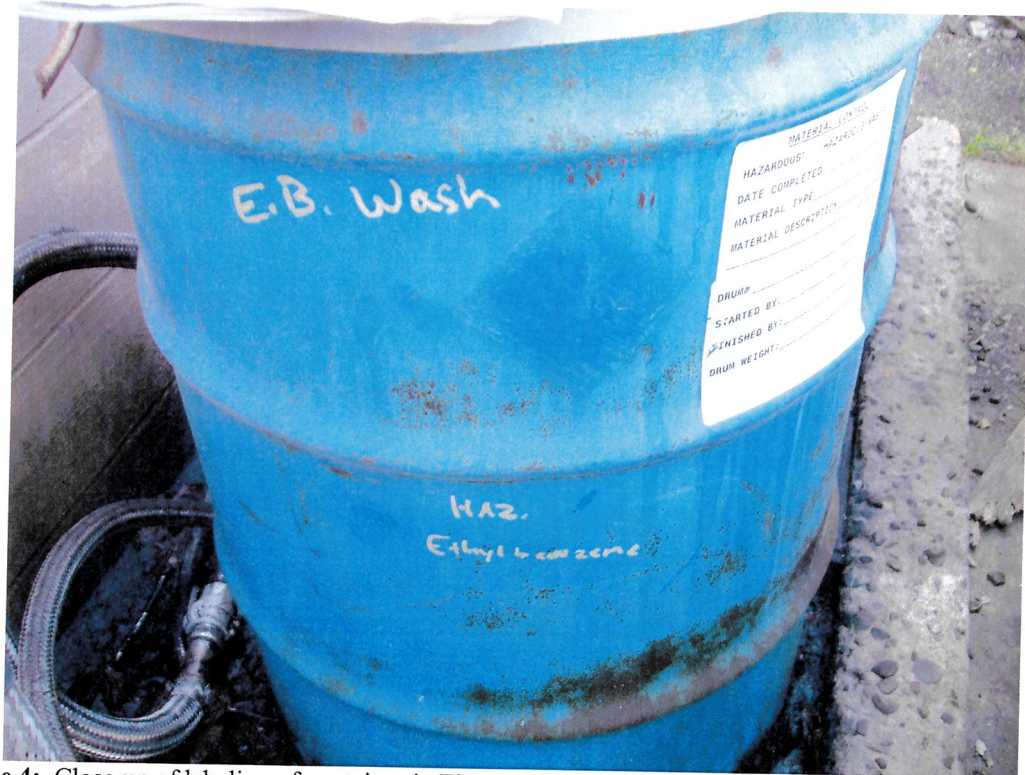


Figure 4: Close-up of labeling of container in Figure 2.



Figure 5: Maintenance building.



Figure 6: API Separator.



Figure 7: Top view of API Separator; a film of oil was visible on top of the water.



Figure 8: Process Area.



Figure 9: Five totes labeled with the words "Used Oil."



Figure 10: 55-gallon drums located at the north end Drum Storage Area.



Figure 11: Drums located at the north end of the Drum Storage Area.

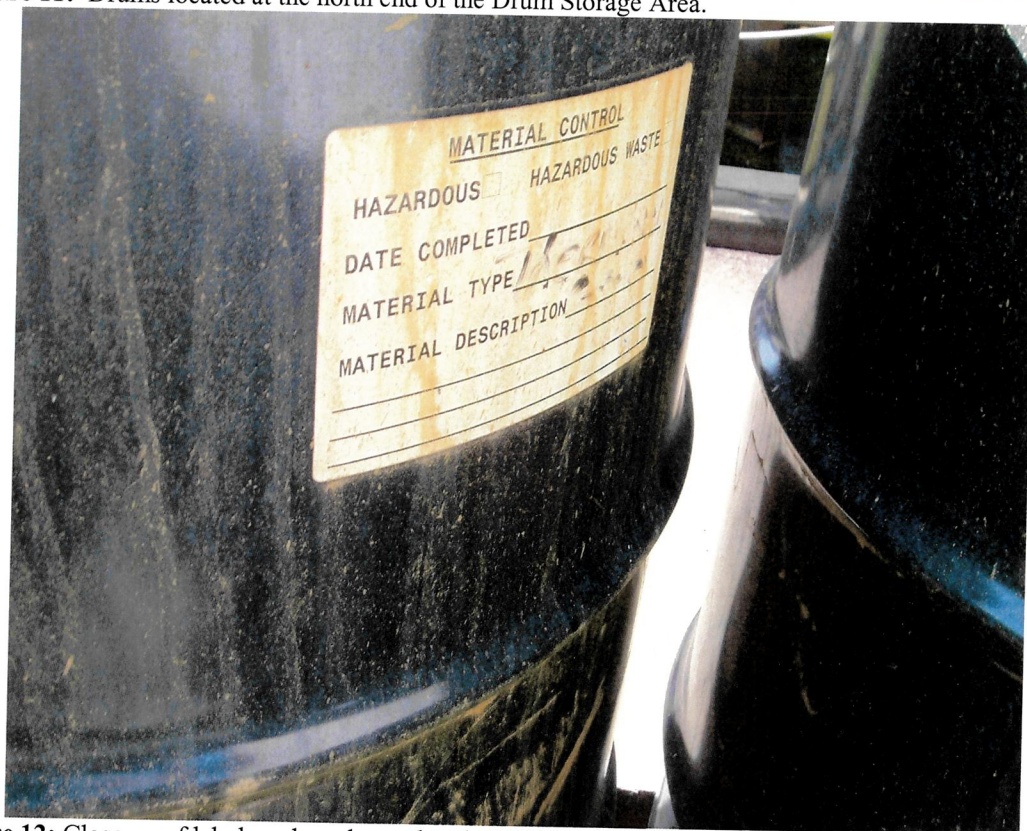


Figure 12: Close up of label on drum located at the north end of the Drum Storage Area.



Figure 13: Drum located at the north end Drum Storage Area.



Figure 14: Drums located at Drum Storage Area.



Figure 15: Drums located at drum storage area.



Figure 16: Drum labeled with the words "Used Oil Clean Oil"

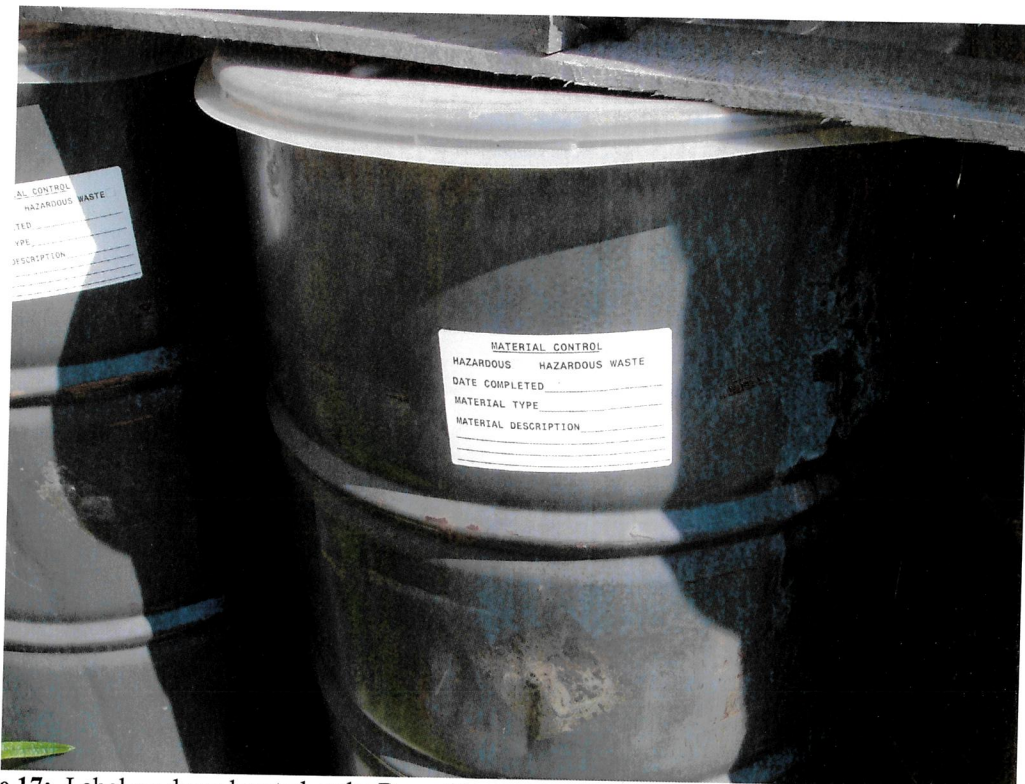


Figure 17: Label on drum located at the Drum Storage Area.

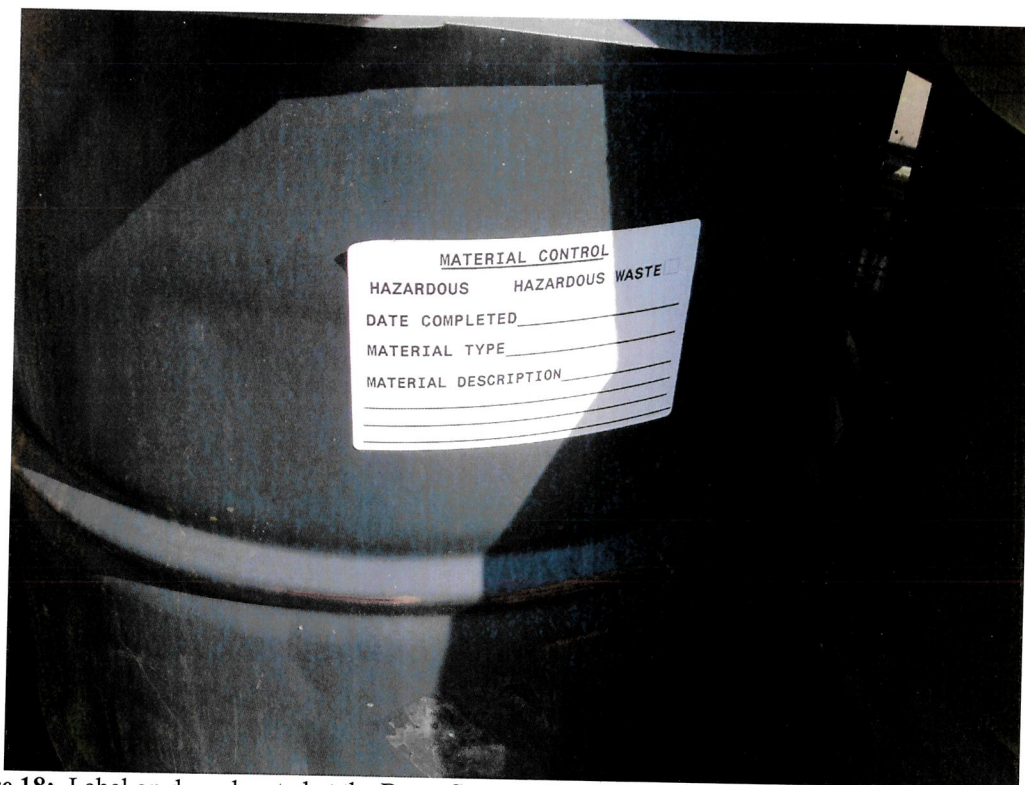


Figure 18: Label on drum located at the Drum Storage Area.

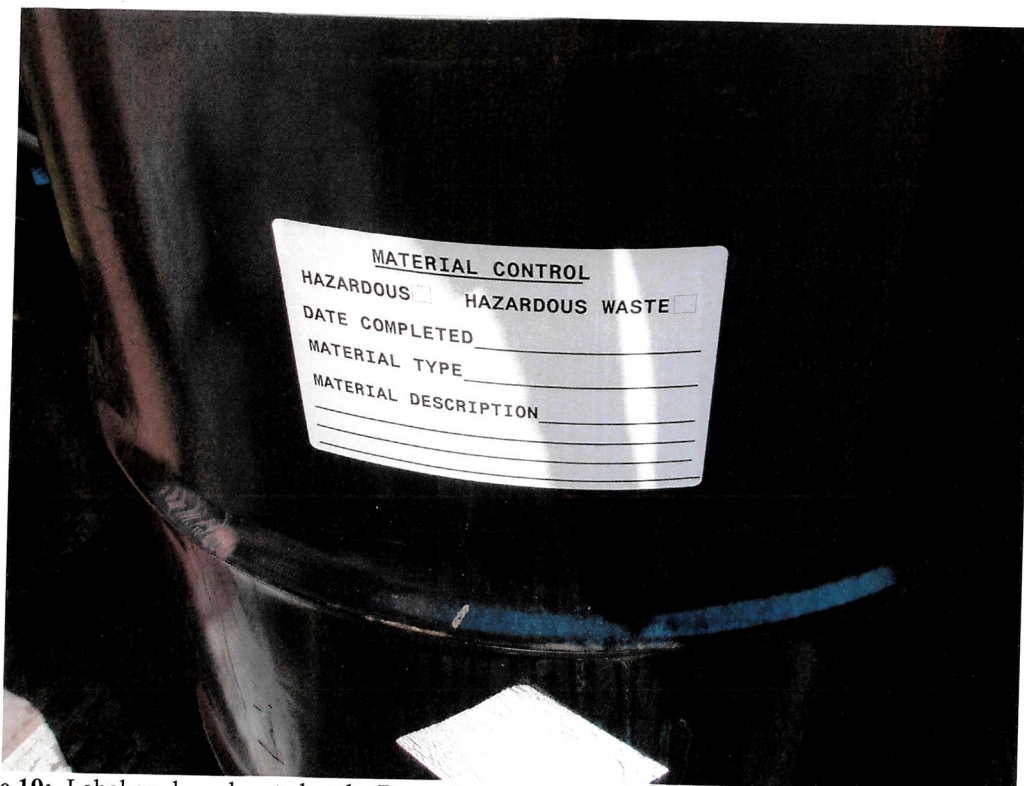


Figure 19: Label on drum located at the Drum Storage Area.



Figure 20: Tanks located at the southwest corner of the installation.



Waste, Pesticides and Toxics Division

mail on 7-16-07

Type of Document: ☒ Notice of Violation and Inspection Report/Checklist
☐ No Violation Letter and Inspection Report/Checklist
☐ Letter of Acknowledgment
☐ Information Request
☐ Pre-Filing and Opportunity to Confer
☐ State Notification of Enforcement Action
☐ Return to Compliance

Facility Name : Deltech Polymers Corporation

Facility Location: 1250 South Union Street

City: Troy State: OH

U.S. EPA ID# OHD 077 432 409

Assigned Staff P. Atkociunas Phone: 6-7502

Name	Signature	Date
Author	<i>Paul Atkociunas</i>	6-27-07
Regional Counsel	<i>[Signature]</i>	7/6/07
Section Chief	<i>[Signature]</i>	7-13-07
Branch Chief	N / A	

Directions/Request for Clerical Support:

After the Section Chief/Branch Chief signs this sheet and original letter:

1. Date stamp the cover letter;
2. Make four copies of the contents of this folder:
 - One copy for the assigned staff;
 - One copy for the section file;
 - One copy for the branch file; and
 - One copy for the official file.
3. Make any additional copies for cc's or bcc's.
4. Mail the original certified mail and distribute office copies and cc's and bcc's.
Once the certified mail receipt is returned:
5. File the certified mail receipt (green card), with this sign-off sheet and the official file copy, and take to 7th floor RCRA file room;
6. E-mail staff the date that the letter was received by facility.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

NOV 07 2007

LR-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Brent Reedstrom
Manager of Sales and Marketing
Deltech Polymers Corporation
1250 South Union Street
Troy, Ohio 45373

RE: Letter of Acknowledgment
RCRA Compliance Evaluation Inspection
Deltech Polymers Corporation
OHD 077 432 409

Dear Mr. Reedstrom,

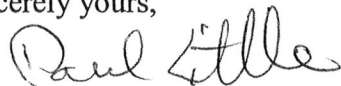
On July 16, 2007, the United States Environmental Protection Agency (U.S. EPA) issued Deltech Polymers Corporation, a Notice of Violation (NOV) which identified violations of the Ohio Administrative Code and U.S. Code of Federal Regulations at the Deltech Polymers facility.

U.S. EPA received the letter, email and accompanying documentation that you submitted in response to the NOV. This letter is to inform you that U.S. EPA has reviewed the responses and determined that additional enforcement action need not be taken at this time.

Your company remains responsible to comply with all the applicable provisions of the Resource Conservation and Recovery Act, as amended. Your hazardous waste management operations will continue to be evaluated by U.S. EPA and the Ohio Environmental Protection Agency in the future.

If you have any questions regarding this letter, please contact Paul Atkociunas of my staff at (312) 886-7502.

Sincerely yours,

A handwritten signature in cursive script that reads "Paul Little".

Paul Little
Compliance Section # 2
RCRA Branch
Land and Chemicals Division

cc: Harry Sarvis, Ohio EPA
Larry Dickerson, Ohio EPA, Southwest District Office



Land and Chemicals Division

Type of Document: ☐ Notice of Violation and Inspection Report/Checklist
☐ No Violation Letter and Inspection Report/Checklist
☐ Letter of Acknowledgment
☐ Information Request
☐ Pre-Filing and Opportunity to Confer
☐ State Notification of Enforcement Action
☒ Return to Compliance

Facility Name : Deltech Polymers Corporation

Facility Location: 1250 South Union Street

City: Troy State: OH

U.S. EPA ID# OHD 077 432 409

Assigned Staff P. Atkociunas Phone: 6-7502

Name	Signature	Date
Author	<i>Paul Atkociunas</i>	<i>11/6/07</i>
Regional Counsel	N/A	
Section Chief	<i>PKH</i>	<i>11-6-07</i>
Branch Chief	N / A	

Directions/Request for Clerical Support:

After the Section Chief/Branch Chief signs this sheet and original letter:

1. Date stamp the cover letter;
2. Make four copies of the contents of this folder:
 - One copy for the assigned staff;
 - One copy for the section file;
 - One copy for the branch file; and
 - One copy for the official file.
3. Make any additional copies for cc's or bcc's.
4. Mail the original certified mail and distribute office copies and cc's and bcc's.
Once the certified mail receipt is returned:
5. File the certified mail receipt (green card), with this sign-off sheet and the official file copy, and take to 7th floor RCRA file room;
6. E-mail staff the date that the letter was received by facility.



Figure 21: Equipment located at the south end of the installation, portable tank (applicator) and heat exchanger, respectively.



Figure 22: Tank cars located at the south end of the installation.

